

REMARKS

In paragraph 3 of the Office Action, claims 32 and 33 were rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the written description requirement.

Reconsideration is requested in view of the newly presented claims.

Claims 32 and 33 have been cancelled and new claims 34 and 35 have been added, to avoid the rejection under 35 U.S.C. 112, first paragraph.

The term "permanently" has been specifically added to the newly presented claims in order to clarify that the modular element is provided for "permanently" covering a floor or a wall; this term can be easily deduced from page 7, line 4, of Applicant's disclosure. Moreover, the other amendments have been made to delete from previous claims 32 and 33 the subject matter which has not been described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. See in this relationship the item 3) of the Office Letter.

Further amendments have been made to overcome the rejection of canceled claim 32 based on the recitation "a top face on which a woven or non-woven material top layer is arranged, said top layer having a top surface comprising a woven and dyed wool felt having smear resistant properties". In other words,

the amendments have been made to point out that the top layer can be woven or not woven, whereas its top surface is constituted by a woven and dyed wool felt. Actually, as disclosed in Applicant's disclosure, the top layer is actually constituted overall by a woven and dyed hot felt.

Claim 34 includes a recitation of the additional feature that the strips project from the modular laminate element. This feature, on the other hand, is clearly disclosed in Applicant's specification, for example see page 8, lines 12 to 15. Actually, the projections of the strips is necessary to cover an overall floor or wall, since Applicant's modular laminate element cannot cover, in one only unit, an overall floor and wall. In other words, for covering a floor and a wall it is necessary to connect to one another a plurality of modular laminate element, which is obtained easily by causing the bottom strips to project from the bottom layer of the modular laminate element. Moreover, in order to provide a "permanent" type of connection, the bottom surfaces of the projecting strips have been provided with an adhesive material.

In paragraph 5 of the Office Action, claims 32 and 33 were rejected under 35 U.S.C. §112, second paragraph, for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention.

Reconsideration is requested.

In drafting the new claims 34 and 35, the limitation "said molecular laminate coating element" has been further removed, since the term "molecular" was inadvertently used in place of the proper term "modular". For this reason, it is requested that this

ground of rejection be withdrawn.

Claims 32 and 33 were also rejected under 35 U.S.C. §103(a) as being unpatentable over Bender et al. in view of Latzke, Dessaing et al., Fisher et al., and Cohen.

Reconsideration is requested.

The Bender et al. patent is concerned with a cushioned insole and not a modular laminate for covering a floor or wall. The newly presented claims requires bottom strips that project from the modular element for the purpose of allowing one modular element to couple to another. Shoe insoles are never coupled to one another and to do so would destroy the teachings of Bender et al. as to the unitary insole which is always used alone. Fisher et al. has been applied as teaching the use of adhesive strips on an insole and that it would be obvious to provide the insole of Bender et al. with adhesive strips. However, the Fisher et al. strips do extend beyond the edge of the insole and the purpose for these strips is to adhere the insole to the surface of a shoe. The strips are not adapted to link one insole to another at the edge as are the strips recited in the newly presented claims.

Latzke discloses an "adhesive plaster" (Figs. 4 & 5) of uncertain structure having an element (4) which is not further identified. In Fig. 5 of Latzke, element 4 is shown as extending in all directions from the lower device for storing and distributing heat. Thus, Fig. 4 is not a "plurality of strips" as required by the newly presented claims but is rather a complete layer of undefined structure that extends outwardly in all directions from what appears to be the top layer (Fig. 5). Figs. 15 and 16 of Latzke do

not describe any type of strip that extends beyond the edge of the article. Dessaint et al. are concerned with anti-stain finishes and do not describe any structure that relates to the claimed invention. The Cohen patent is only concerned with fitted shoe innersoles that do not have any strips that extend beyond the edges.

None of the prior art patents disclose or suggest providing a modular laminate element including bottom strips which partially projects from the modular element and, in particular, from its bottom layer, to allow a plurality of modular laminate elements to be coupled to one another for easily and permanently covering a floor and a wall.

New claim 35 points out a method for making a modular laminate element which comprises the steps of coupling to a bottom layer of the modular element, a plurality of strips so arranged as to partially project from the bottom layer, and providing a bottom face of each strip with an adhesive layer to allow the modular element to be both coupled to one another and to a wall, in a substantially permanent manner.

Since no prior art document discloses a method including these two latter mentioned steps, it is believed that also new claim 35 is allowable. In the absence of any teaching to combine the selected teachings of the five cited patents, the present ground of rejection should not be applied to the newly presented claims.

An early and favorable action is earnestly solicited.

Respectfully submitted,



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